

overt act (such as the removal of the intracranial contents), other than completion of delivery, that kills the partially delivered intact living fetus.

Subsection (b)(2) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (b)(2) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (b)(2) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (b)(2) defines the term "physician" as a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: Provided, however, that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

Subsection (c)(1) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (c)(1) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (c)(1) provides for a civil cause of action for the father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

Subsection (c)(2) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (c)(2) of the new section 1531 proposed in Section 3(a) of the House amendment and paragraph (c)(2) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (c)(2), in paragraph (A) provides that such relief shall include money damages for all injuries, psychological and physical, occasioned by the violation of this section; and in paragraph (B) that statutory damages equal to three times the cost of the partial-birth abortion.

Subsection (d)(1) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (d)(1) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (d)(1) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (d)(1) allows a defendant accused of an offense under this section to seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

Subsection (d)(2) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (d)(2) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (d)(2) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (d)(2) provides that the findings on that issue are admissible on that issue at the trial of the defendant. It also provides that upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

Subsection (e) of the new section 1531 contained in Section 3(a) of the conference report is identical to subsection (e) of the new section 1531 proposed in Section 3(a) of the House amendment and subsection (e) of the new section 1531 proposed in Section 3(a) of the Senate bill. Subsection (e) provides that

a woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.

Subsection (b) in Section 3 of the conference report is identical to subsection (b) in Section 3 of the House amendment and subsection (b) in Section 3 of the Senate bill. Subsection (b) is a clerical amendment to insert the new chapter in the table of chapters for part I of title 18, after the item relating to chapter 73.

Section 4 of the Senate bill had no counterpart in the House amendment, and it is not included in the substitute agreed to by the managers.

F. JAMES SENSENBRENNER,  
HENRY HYDE,  
STEVE CHABOT,

*Managers on the Part of the House.*

ORRIN HATCH,  
RICK SANTORUM,  
MIKE DEWINE,

*Managers on the Part of the Senate.*

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#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3193

Mr. PORTER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3193. My name was added to the list of cosponsors inadvertently.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from Nevada? There was no objection.

#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDI- CARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. CASE. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare prescription drug bill.

The form of the motion is as follows:

Mr. CASE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 401(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medical disproportionate share hospital (DSH) payments).

#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. DAVIS of Alabama. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the child tax credit bill.

The form of the motion is as follows:

Mr. DAVIS of Alabama moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. INSLEE. Mr. Speaker, pursuant to rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 6, the Energy Policy Act of 2003.

The form of the motion is as follows:

Mr. INSLEE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to confine themselves to the matters committed to conference in accordance with clause 9 of rule XXII of the Rules of House of Representatives with regard to "high-level radioactive waste" as defined in the Nuclear Waste Policy Act of 1982 and other provisions of Federal law.

#### IRAQ SUPPLEMENTAL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to draw my colleagues to a singular uniting factor, and that is that we all support United States troops that now are facing danger in Operation Iraqi Freedom. With that in mind, I am quite willing to support the expenditures requested by the administration solely to support our troops and the necessities that they require in order to protect their lives. But the American people deserve an answer, Mr. Speaker, and we should not vote in totality for the \$87 billion. It is a sham if we do so without explaining to the American people, one, an exit strategy, two, what is the United Nations resolution that will require us to coalesce around the concept of allies helping us in the democratization and reconstruction of Iraq? How many troops will we get from our allies? How much money will they expend?

And, Mr. Speaker, we need a full accounting by the administration on what they have spent the money for. I will be filing legislation to separate out the vote, voting for the moneys for our troops without question, but demanding an explanation from this administration before we vote any moneys for reconstruction.

What are the oil revenues going for, Mr. Speaker? And I would say this, that we spent only \$7.5 billion in the Gulf War. Why? Because we had a legitimate and solid alliance with our allies across the world. This is a mistake in the way we are doing this. We should not vote for the \$87 billion in totality. We must separate out the vote, and I ask my colleagues to vote for this legislation.

#### IRAQ SUPPLEMENTAL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I wanted to speak on the subject of the supplemental budget. Eighty-seven billion dollars is indeed a lot of money. Yet, building democracy in the Middle East, building an ally in the Middle East, another ally, would be very, very helpful to United States interests and to the big picture of world peace.

I hear from a lot of my Democrat friends that, well, I'm going to support the troops and cleverly just support that portion of the budget which goes directly to the troops, which would be about two-thirds of it, some 60-plus billion dollars. How can you support the troops and then not let them complete their task by trying to rebuild the country and the infrastructure? It does not make sense. If you are going to support the troops, you have to support their mission.

I would love any of my colleagues who have such doubts about the importance of what we are doing to come down to the Third Infantry Division in Hinesville-Fort Stewart, Georgia, and talk to some of the troops who have been there, who have spent 6 to 8 months of their lives there in the last year and look them in the eye and say, you know what, I do not like what you are doing. And you know what, I am going to support your expense, your room and board, but I am not going to help you rebuild this nation that you lost your friends over.

I just want to say, that is an open invitation to any Democrat or Republican if you want to come down and talk to people who have been on the ground.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### THE CLEAR ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise on the floor of the House today to share, sadly, yet another tragic story of another instance where senseless criminal acts, acts that could have been prevented and should have never happened, were allowed to take place because of our badly broken immigration system.

Mr. Speaker, for the last year, South Florida has been terrorized by a serial rapist. Beginning in September of last year, seven females in the Miami area, ranging between the ages of 11 and 79, have been victimized by a vicious, brutal criminal. Needless to say, the year-long attacks have left most women who live in the Miami area fearing for their safety and on guard for these past 12 months.

Thankfully, the local law enforcement authorities in the area believe they now have their man. Earlier this month, Miami police arrested Reynaldo Rapalo. A citizen of Honduras, he is accused of raping the seven women I mentioned earlier, and trying to attack and rape four others during that same time.

The Miami police indicate that they have Mr. Rapalo's fingerprints, his DNA that links him to these dastardly crimes, and finally his confession. Tragically, Mr. Speaker, they also had Mr. Rapalo himself back in October of last year, before six of the rapes had been allowed to occur. He was arrested on molestation charges, and at the time Mr. Rapalo's C-1 visa had expired. He was living here then illegally.

Mr. Speaker, had the CLEAR Act been on the books last October, Reynaldo Rapalo would have been detained and deportation proceedings would have begun and, more importantly, the women who were subsequently brutally attacked would have never fallen victim.

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The sad fact is cases like this one are far too common, and our government has turned a blind eye to the criminal alien crisis in America for far too long.

Today within our borders, there are 400,000 illegal aliens with standing deportation orders that we cannot find. Among these are 80,000 criminal aliens like Mr. Rapalo, murderers, rapists, pedophiles and the like. These individuals were in the hands of law enforcement at one time but turned loose because of an immigration system that is unresponsive, unaccountable, and just plain broken.

Mr. Speaker, while our men and women wearing the badge continue to arrest and rearrest the same criminal aliens that our failed immigration system continues to put back on the streets, our Federal Government sends just 2,000 Bureau of Immigration and Customs Enforcement agents, BICE, in